

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CARLOS RIVERA,

Petitioner,

-against-

DALE ARTUS,
Superintendent, Clinton Correctional Facility,

Respondent.
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AMON, Chief United States District Judge.

NOT FOR PUBLICATION
MEMORANDUM & ORDER
08-cv-1782 (CBA)(RML)

Before the Court is a Report and Recommendation dated July 20, 2010 from the Honorable Robert M. Levy, recommending denial of Petitioner Carlos Rivera's petition for a writ of habeas corpus under 28 U.S.C. § 2254. No objections were filed, so the Court reviews the R & R for clear error. *Larocco v. Jackson*, No. 10-cv-1651, 2010 WL 5068006, at *2 (E.D.N.Y. Dec. 6, 2010). The Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). The Court has reviewed the record, and finding no clear error in Judge Levy's Report and Recommendation adopts it in full.

Rivera's petition for a writ of habeas corpus is denied. Since he has failed to make a "substantial showing of the denial of a constitutional right," no certificate of appealability shall issue. The Clerk of Court is directed to enter judgment accordingly and to close the case.

SO ORDERED.

Dated: Brooklyn, N.Y.
September 19, 2011

s/CBA

Carol Bagley Amon
United States District Judge